

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAMES MCGIBNEY, et al.,
Plaintiffs,
v.
THOMAS RETZLAFF, et al.,
Defendants.

Case No. [14-cv-01059-BLF](#)

**ORDER DENYING ADMINISTRATIVE
MOTION TO FILE UNDER SEAL**


[Re: ECF 36]

Before the Court is the Administrative Motion to File Under Seal filed by plaintiffs James McGibney and ViaView, Inc. (collectively, "Plaintiffs") on August 15, 2014. (Admin. Mot., ECF 36) Plaintiffs seek to seal Exhibit 25 filed in support of Plaintiffs' opposition to defendant Thomas Retzlaff's several motions to dismiss. (*Id.* at 1) It appears that Plaintiffs seek to keep this exhibit sealed not only from the public, but from the other parties as well. The Court finds that it would be a violation of due process for the Court to consider evidence against another party without affording that party an opportunity to review and rebut the evidence. As such, Plaintiffs' sealing request is DENIED.

Plaintiffs may withdraw their sealing request and choose not to rely on the exhibit sought to be sealed in opposing Defendant Retzlaff's motions. The subject exhibit will not be considered by the Court unless Plaintiffs file an unredacted, unsealed version within **seven (7) days** of the date of this order. Civ. L.R. 79-5(f)(2).

IT IS SO ORDERED.

Dated: August 22, 2014


BETH LABSON FREEMAN
United States District Judge